

## Message Text

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ACTION L-03

INFO OCT-01 EUR-12 ISO-00 FCSC-01 TRSE-00 OMB-01 CIAE-00

DODE-00 PM-04 H-02 INR-07 NSAE-00 NSC-05 PA-01 PRS-01

SP-02 SS-15 USIA-06 SAJ-01 /062 W

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R 160801Z JUL 76

FM AMEMBASSY BERLIN

TO SECSTATE WASHDC 2896

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TO SCHWEBEL, L. FROM KERLEY

E.O.11652: N/A

TAGS: PFOR, EFI, CGEN, CPRS, GE, US

SUBJECT: CLAIMS AGAINST GDR

1. ON JULY 12, PRIOR TO MEETING WITH GDR WITH GDR REPRESENTATIVES, DEPARTMENT( KERLEY) AND EMBASSY OFFICERS HAD INFORMATIVE AND USEFUL DISCUSSIONS WITH OFFICERS CONCERNED WITH GDR CLAIMS IN UK, ITALIAN AND FRENCH EMBASSIES AND FRG PERMANENT REPRESENTATION. PROBLEMS FORESEEN IN THESE DISCUSSIONS SURFACED DURING OUR TALKS WITH GDR REPRESENTATIVES.

2. ON JULY 13 AND 14, WE MET WITH GDR REPRESENTATIVES, WALTER WEHRLING, DEPUTY HEAD OF OFFICE, AMT FUER DEN RECHTSCHUTZ DES VERMOEGENS( OFFICE FOR THE PROTECTION OF PROPERTY) AND FRIEDRICH FENN, SAME OFFICE. FOLLOWING ARE MAIN POINTS OF THOSE DISCUSSIONS:  
A. GDR STRONGLY REPEATEDLY URGED INITIATION OF FORMAL CLAIMS NEGOTIATIONS BETWEEN US AND GDR. THIS INITIAL SET OF INFORMAL MEETINGS WAS USEFUL, BUT GDR DOUBTED UTILITY OF FUTURE INFORMAL MEETINGS. GDR PREPARED TO OPEN FORMAL NEGOTIATIONS THIS YEAR IF US WISHES TO DO SO.  
B. GDR ACCEPTS VALIDITY OF AGREED MINUTE OF

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SEPTEMBER 4, 1974 INCLUDING FACT THAT THE CLAIMS MAY HAVE

ARISEN BEFORE OR AFTER 1945, AND THAT QUESTIONS TO BE  
CONSIDERED INCLUDE LOSSES OF VICTIMS OF NAZISM. WE  
UNDERSTAND THAT OTHER COUNTRIES, NOTABLY UK AND FRANCE,  
HAVE EXPERIENCED DIFFICULTY ON THESE QUESTIONS BECAUSE  
THE CLAIMS PROVISION IN THEIR AGREEMENTS TO ESTABLISH  
DIPLOMATIC RELATIONS WITH THE GDR ARE LESS SPECIFICALLY  
WORDED THAN OURS.

C. GDR ASSERTS THAT THE PROPERTIES HAVE NOT BEEN  
TAKEN BECAUSE US NATIONALS ARE STILL LISTED IN THEIR  
GRUNDBUCH( PROPERTY RECORDS) AS OWNERS. THEY CONCEDE  
THAT OWNERS HAVE BEEN DEPRIVED OF USE, CONTROL AND  
DISPOSITION OF PROPERTY BUT DO NOT AGREE THAT THIS  
CONSTITUTES A TAKING OF PROPERTY. THEY WERE NOT INTERESTED  
IN RECEIVING A LEGAL MEMORANDUM FROM THE US ON THIS  
QUESTION.

\$ . GDR NOT PREPARED TO MAKE EXCERPTS FROM  
GRUDNBUCH AVAILABLE TO CLAIMANTS OR USG. THEY ARE  
PREPARED TO DISCUSS, DURING THE NEGOTIATIONS, METHODS  
THAT COULD BE USED TO OBTAIN THIS DOCUMENTATION. WE  
UNDERSTAND THAT THEY HAVE TAKEN THIS POSITION WITH  
ALL OTHER COUNTRIES WHEN THE QUESTION AROSE.

E. IN DECIDING ON THE COMPENSATION TO BE PAID FOR  
DEPRIVATION OF HE USE, CONTROL AND DISPOSITION OF THE  
PROPERTY , THE SITUATION AND PRESENT STATE OF REPAIR OF  
THE PROPERTY WOULD HAVE TO BE CONSIDERED. WE BELIEVE THIS  
INDICATES AN INTENT TO CHARGE THE OWNERS FOR REPARIS  
AND TAXES ON THE PROPERTY SINCE THEY ARE STILL THE  
NOMINAL TITLE HOLDERS.

F. WE MADE CLEAR THAT THE FAILURE OF THE GDR TO  
PURSUE MEANINGFUL NEGOTIATIONS WITH THE WORLD CONFERENCE  
ON JEWISH MATERIAL CLAIMS AGAINST GERMANY, IS CAUSING  
DISAPPOINTMENT AND CONCERN TO THE USG. WEHRLING SAID  
THAT THIS MATTER WAS NOT HIS RESPONSIBILITY, BUT THAT HE  
WOULD TRANSMIT OUR STATEMENT TO THE RESPONSIBLE  
OFFICIALS.

G. GDR REPRESENTATIVES LISTENED BUT DID NOT  
RESPOND TO OUR STATEMENTS ON WAR DAMAGES AND PRE-1945  
DEBTS.

H. GDR WILL CONSIDER EACH CLAIM INDIVIDUALLY  
EVEN IF CLAIMS ARE PRESENTED AS A PACKAGE AND A LUMP SUM  
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SETTLEMENT IS SOUGHT. CLAIMS WOULD HAVE TO BE SUPPORTED  
BY EVIDENCE MEETING GDR LEGAL REQUIREMENT OF PROOF.  
GDR REPRESENTATIVES WERE NOT PERSUADED BY US ARGUMENT  
THAT INTERNATIONAL TRIBUNALS, IS APPLICABLE LAW CONCERNING  
EVIDENCE. WEHRLING SAID THE EVIDENTIARY QUESTION WOULD  
HAVE HAVE TO BE DISCUSSED DURING THE NEGOTIATIONS.

I. GDR WILL PRESENT CLAIMS AGAINST US DURING  
NEGOTIATIONS. GDR IS NOT PREPARED TO INDICATE IN

ADVANCE OF THE NEGOTIATIONS WHAT ITS CLAIMS WILL BE. US  
SUGGESTION OF SECOND ROUND OF INFORMAL TALKS TO DISCUSS  
GDR CLAIMS WAS CHARACTERIZED AS " NOT AS CONSTRUCTIVE STEP."

3. ATMOSPHERE WAS CORDIAN BUY GDR INSISTED THAT THESE  
TALKS WERE MERELY INFORMATIVE, AND THAT RESOLUTION OF  
DISPUTED ISSUES WOULD HAVE TO AWAIT NEGOTIATIONS.

4. FULL RESUME OF DISCUSSIONS OF JULY 12-14 BEING  
PREPARED.  
COOPER

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## Message Attributes

**Automatic Decaptoning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
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**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 16 JUL 1976  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** ullricre  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
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**Disposition History:** n/a  
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**Original Classification:** LIMITED OFFICIAL USE  
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**Previous Handling Restrictions:** n/a  
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**Subject:** CLAIMS AGAINST GDR  
**TAGS:** PFOR, EFIN, CGEN, CPRS, GC, US  
**To:** STATE  
**Type:** TE  
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